

## Foreign Labor Certification Program

Employers requesting labor certification for the temporary or permanent employment of foreign workers are required to offer prevailing wages and working conditions for that particular occupation and to demonstrate that no similarly employed U.S. worker will be adversely affected.

### Prevailing Wage Determinations

The Office of Foreign Labor Certification's (OFLC) Helpdesk Center processes Prevailing Wage Determination (PWD) requests for use in the H-1B, H-1B1, H-2B, E-3 and the permanent labor certification programs. The Department has posted Frequently Asked Questions (FAQs) that address the filing and processing of PWD requests at:

[http://www.foreignlaborcert.doleta.gov/pdf/NPWHC\\_Guidance\\_Revised\\_03\\_2010.pdf](http://www.foreignlaborcert.doleta.gov/pdf/NPWHC_Guidance_Revised_03_2010.pdf) [1].

ETA form 9141 is available at: <http://www.foreignlaborcert.doleta.gov/form.cfm> [2].

Requestors must submit PWD requests to:

U.S. Department of Labor  
Employment and Training Administration  
Prevailing Wage Center – Attn: PWD requests  
1341 G Street, NW - Suite 201  
Washington, D.C. 2005-3124

### Permanent Employment Labor Certifications

ETA form 9089 for filing for a permanent labor certification and instructions are available at:

<http://www.foreignlaborcert.doleta.gov/form.cfm> [2]

Applications must be filed directly with the U. S. Department of Labor at the address noted below.

U.S. Department of Labor  
Employment and Training Administration  
Atlanta Processing Center, Harris Tower  
233 Peachtree Street - Suite 410  
Atlanta Georgia 30303

### Temporary Labor Certification (H-2B) Nonagricultural

The H-2B nonimmigrant program permits employers to hire foreign workers to come to the U.S. and perform temporary nonagricultural work, which may be (1) one-time, (2) seasonal, (3) peak load or (4) intermittent need. There is a 66,000 per year visa limit on the number of foreign workers who may receive H-2B status during each fiscal year (October 1 through September 30).

Employers filing applications for H-2B Non-Agricultural Temporary Labor Certification must file ETA Form 9141 for a prevailing wage determination with the National Prevailing Wage Center

<http://icert.doleta.gov/> and ETA Form 9142 and Appendix B.1 for temporary

labor certification with U.S. Department of Labor's Chicago National Processing Center. For complete information regarding the filing

process with the U.S. Department of Labor, please visit DOL's webpage for the H-2B program:

<http://www.foreignlaborcert.doleta.gov/h-2b.cfm> [3].

In addition to filing with the Chicago National Processing Center, employers must also open a job order with the State Workforce Agency in the area of intended employment. To meet this requirement, employers must register with [Virginia Workforce Connection](#) [4](VAWC) and enter the applicable job order being filed in connection with the H-2B application. H-2B job orders

placed in VWC must be identified to the Virginia Employment Commission's office of foreign labor certification by emailing the job order number and employer name to [H2B-Application@vec.virginia.gov](mailto:H2B-Application@vec.virginia.gov) [5].

For additional information contact Michelle Abraham, 804-786-6094.

**Important Notice: The Virginia Department of Motor Vehicles (DMV) has established an informational web page that lists the requirements for obtaining a valid, first-time Virginia Drivers License, Learners Permit, or Identification Card. Questions and answers** about "Legal Presence in Virginia", issues and actions, and press release information may be found at: <http://www.dmv.state.va.us/webdoc/citizen/drivers/index.asp> [6]

4/24/12

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**Source URL:** <http://www.vec.virginia.gov:80/foreign-labor-certification?mini=2013-12>

**Links:**

- [1] [http://www.foreignlaborcert.doleta.gov/pdf/NPWHC\\_Guidance\\_Revised\\_03\\_2010.pdf](http://www.foreignlaborcert.doleta.gov/pdf/NPWHC_Guidance_Revised_03_2010.pdf)
- [2] <http://www.foreignlaborcert.doleta.gov/form.cfm>
- [3] <http://www.foreignlaborcert.doleta.gov/h-2b.cfm>
- [4] <http://www.vec.virginia.gov:80/virginia-workforce-connection#employer>
- [5] [http://www.dmv.state.va.us/webdoc/citizen/drivers/index.asp](#)
- [6] <http://www.dmv.state.va.us/webdoc/citizen/drivers/index.asp>